2026:CGHC:17212

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 349 of 2025

1 - Oriental Insurance Company Limited G.E. Road Near Rajendra Park Chowk, Parmanand Bhawan Durg, P.S. Mohan Nagar, District Durg, Chhattisgarh. Through Authorized Signatory Manager, Legal Hub, The Oriental Insurance Company Limited, 1st Floor Rama Trade Center Old Bus Stand, Bilaspur, Chhattisgarh.

... Appellant

versus

1 - Parmila Sahu Wd/o Late Raj Kumar Sahu Aged About 35 Years R/o Village Baherghat, P.S. And Tehsil Bemetara, District Bemetara, Chhattisgarh.

2 - Muskan Sahu D/o Late Raj Kumar Sahu Aged About 18 Years R/o Village Baherghat, P.S. And Tehsil Bemetara, District Bemetara, Chhattisgarh.

3 - Minor Jivan Sahu S/o Late Raj Kumar Sahu Aged About 15 Years Minor Through Natural Guardian Mother Res. No. 1 Parmila Sahu, R/o Village Baherghat, P.S. And Tehsil Bemetara, District Bemetara, Chhattisgarh.

4 - Minor Kumkum Sahu D/o Late Raj Kumar Sahu Aged About 13 Years Minor Through Natural Guardian Mother Res. No. 1 Parmila Sahu, R/o

Village Baherghat, P.S. And Tehsil Bemetara, District Bemetara, Chhattisgarh.

5 - Minor Sonu Sahu S/o Late Raj Kumar Sahu Aged About 11 Years Minor Through Natural Guardian Mother Res. No. 1 Parmila Sahu, R/o Village Baherghat, P.S. And Tehsil Bemetara, District Bemetara, Chhattisgarh.

6 - Dau Ram Sahu S/o Chamru Sahu Aged About 60 Years R/o Village Baherghat, P.S. And Tehsil Bemetara, District Bemetara, Chhattisgarh.

7 - Chandrika Sahu W/o Dau Ram Sahu Aged About 55 Years R/o Village Baherghat, P.S. And Tehsil Bemetara, District Bemetara, Chhattisgarh.

8 - Nil Kamal Barley S/o Sukhchand Barley Aged About 25 Years R/o Ward No. 18 Bazar Para Bemetara, P.S., Tehsil And District Bemetara, Chhattisgarh. (Driver)

9 - Hitendra Kumar Tondre S/o Late Bhagwat Das Tondre Aged About 48 Years R/o House No. 55 Ward No. 07 Mohbhatta Road Opposite Sindhu Bhawan Bemetara, P.S., Tehsil And District Bemetara, Chhattisgarh. (Owner)

10 - Tata A.I.G. General Insurance Company Ltd. Through Claim Manager, G.E. Road Near Nagar Nigam Office, Near Amit Hotel Above Bank Of Baroda, Supela, Bhilai, District Durg, Chhattisgarh.

... Respondents

For Appellant	:	Shri B.N. Nande, Advocate
For Respondents No.1 to 7	:	Shri Amit Kumar Sahu, Advocate
For Respondents No.8 & 9	:	Shri Raghvendra Pradhan, Advocate
For Respondent No.10	:	Shri Sourabh Sharma and Shri Sourabh Gupta, Advocates

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

15/04/2026

1. This appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the MV Act') has been filed by Oriental Insurance Company Limited assailing validity, correctness and judicial propriety of the award dated 5.11.2024 passed by the Motor Accidents Claims Tribunal, District Bemetara (Chhattisgarh) (for short 'Claims Tribunal') in Case No.124 of 2023.

2. By the award impugned, against a claim of Rs.64,70,000, learned Claims Tribunal has awarded a compensation of Rs.21,37,945 in favour of the claimants/respondents No.1 to 7 on account of death of Rajkumar Sahu in an accident that occurred on 26.8.2023 by rash and negligent driving of the offending vehicle motorcycle Bullet bearing registration No.CG 05 AJ 6670 driven by respondent No.8 and owned by respondent No.9.

3. Learned counsel for the appellant submits that the offending vehicle was initially insured with the appellant/Oriental Insurance Company Limited. Later on, third party risk of the offending vehicle was covered by respondent No.10/Tata AIG General Insurance Company Ltd. and for that purpose a policy was also issued which has been filed along with memo of this appeal. Learned counsel further submits that as originally the bundle policy was issued by the appellant and the appellant has only taken premium for own damages and no third party premium was taken by the appellant, the liability has wrongly been fastened upon the appellant. Rather, it should have been fastened upon respondent No.10. Thus, the impugned award may be set aside.

4. All the learned counsel appearing for the respondents support the impugned award.

5. I have heard the rival contentions put forth on behalf of the parties and perused the record of the learned Claims Tribunal with due care.

6. A perusal of the record of the Claims Tribunal indicates that neither the appellant nor respondent No.10 has led any evidence or exhibited their insurance policy. Therefore, this Court is inclined to set aside the impugned award and remit back the case to the learned Claims Tribunal for decision making with regard to *inter se* liability to pay compensation between the appellant and respondent No.10. The appellant and respondent No.10 are directed to place on record the existing policy of the offending vehicle before the Claims Tribunal.

7. On 19.9.2025, this Court had granted an interim order in favour of the appellant to the effect that if the appellant-insurance company deposits 75% of the award amount with interest before the learned Claims Tribunal within a period of 60 days, there shall be a stay on the remaining amount. It was also observed that the claimants would be at liberty to withdraw the amount, if so deposited by the appellant, as per the terms and conditions of the award. The said amount shall not be recoverable from the claimants/respondents and the amount so awarded shall not be reduced by the Claims Tribunal. The only issue which the Claims Tribunal shall decide is with regard to *inter se* liability of payment of compensation after recording necessary evidence, if so required.

8. With the aforesaid observations and directions, this appeal is partly allowed. The parties are directed to appear before the Claims Tribunal on **17.6.2026**.

9. All the pending applications, if any, shall stand dismissed.

Sd/-

(Sachin Singh Rajput)
JUDGE

Gopal